

ADMINISTRATIVE PANEL DECISION

Micromeritics Instrument Corporation v. Rafael Ortega
Case No. D2025-0334

1. The Parties

Complainant is Micromeritics Instrument Corporation, United States of America ("United States"), represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is Rafael Ortega, United States.

2. The Domain Name and Registrar

The disputed domain name <micromeritic.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 28, 2025. On January 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 29, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (REDACTED FOR PRIVACY, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on January 31, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 31, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on February 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 3, 2025.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on March 10, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Complainant, Micromeritics Instrument Corporation, is a United States based provider of high-performance measurement instruments. Complainant owns and uses the mark MICROMERITICS in connection with its products and owns several trademark registrations for the MICROMERITICS mark. These include, inter alia, registrations in the United States (Nos. 916,723 and 946,511) which issued to registration in 1971 and 1972 respectively, and the European Union (No. 003210119) that issued to registration on September 13, 2004. Complainant also owns and uses the domain name <micromeritics.com> for a website concerning Complainant and its products. Lastly, Complainant was acquired in July 2024 by Spectris plc, a global provider of precision instruments and controls.

Respondent, who appears to be based in the United States, registered the disputed domain name on October 11, 2024. Since registering the disputed domain name, Respondent has not used such for an active website or page but has allowed the disputed domain name to be used with a click through linking page. Such use continues to this date. Respondent has also set up the disputed domain name for email use.

Complainant's representative sent a demand letter regarding the disputed domain name on November 15, 2024, through the privacy service used for the disputed domain name. Subsequent letters were similarly sent on November 22, 2024, and November 29, 2024. Respondent does not seem to have responded to such letters.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that its MICROMERITICS mark is well-recognized and respected worldwide in its industry.

Complainant asserts that the disputed domain name is confusingly similar to its MICROMERITICS mark as it is merely a misspelling of the MICROMERITICS mark by simply dropping the letter "s" at the end of MICROMERITICS.

Complainant maintains that Respondent does not have legitimate interests in the disputed domain name as Respondent (i) is not sponsored or affiliated with Complainant and has not obtained any authorization from Complainant to register or use the MICROMERITICS mark, (ii) is not commonly known by the MICROMERITICS name and mark, (iii) has not made any bona fide offering of goods or services with the disputed domain name, and (iv) has not made a legitimate noncommercial or fair use of the disputed domain name. In that regard, Complainant notes that Respondent is using the disputed domain name to "redirect internet users to a website featuring links to third-party websites" and has set up the disputed domain name for email purposes.

Lastly, Complainant argues that Respondent knew or should have known of Complainant's rights in the MICROMERITICS mark given Complainant's use and registration of the MICROMERITICS mark, the reputation Complainant enjoys as a market leader in analytical instrumentation for precise measuring and given that Respondent registered the disputed domain name some three months after it was widely

announced that Complainant had been acquired by Spectris plc. Complainant also notes that Respondent's bad faith is also established by Respondent's use of the disputed domain name to attract and redirect web users to a website with links to third party websites and by setting up the disputed domain name for email purpose. Finally, Complainant contends that Respondent has acted in bad faith by ignoring Complainant's multiple demand letters.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in its MICROMERITICS mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Here, the MICROMERITICS mark is essentially fully incorporated in the disputed domain name, albeit without the letter "s". The Panel finds the absence of the letter "s" in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the MICROMERITICS mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating

rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

While the term “micromeritics” has a scientific meaning, there is nothing in the record that would suggest that Respondent was in fact basing the disputed domain name on a misspelling of the scientific term. Given that Respondent has not appeared in the matter to explain its actions and given that Respondent set up the disputed domain name for email purposes and has allowed such to be used for a click through linking page since registering the domain name on November 15 2024 (and after media coverage regarding the acquisition of Complainant), it seems more likely than not that Respondent sought to capitalize on Complainant's reputation in its field. Moreover, because the disputed domain name as constituted is simply a misspelling of MICROMERITICS by dropping the letter “s”, it carries a risk of implied affiliation and could likely be mistakenly seen by consumers as related to Complainant and its products. [WIPO Overview 3.0](#) at section 2.5.1. As such, given the record before it, the Panel on balance concludes that Respondent has rights or legitimate interests in the disputed domain name.

The Panel finds the second element of the Policy has been established

C. Registered and Used in Bad Faith

The Panel notes that, for purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In view of Respondent's actions, and failure to appear in this proceeding, the Panel infers that Respondent's registration and use of the disputed domain name, which is likely based on Complainant's MICROMERITICS mark has been done opportunistically and in bad faith for the benefit or profit of Respondent. The disputed domain name on its face suggests a connection to Complainant and its products and was registered well after Complainant had established rights in its MICROMERITICS mark. The fact that Respondent has set up the disputed domain name for email and allowed such to be used with a web page with links to third-party website suggests that Respondent has no real legitimate purpose in obtaining the disputed domain name and has merely done so to capitalize on the MICROMERITICS mark for the benefit or profit of Respondent.

In all, Respondent's actions make it more likely than not that Respondent was fully aware of Complainant and its MICROMERITICS name and mark when it registered the disputed domain name for Respondent's benefit.

The Panel thus finds that Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <micromeritic.com> be transferred to Complainant.

/Georges Nahichevansky/

Georges Nahichevansky

Sole Panelist

Date: March 24, 2025